

REMARKS

A needed change is made in the specification.

The claims previously in the case have been replaced by a set of new claims, that are believed to be proper as to form and clearly patentable over the cited references.

Specifically, no reference of record nor any proper combination thereof, discloses the arrangement shown in our Figs. 31-34 and 34A, wherein the product P is surrounded by the rim of the opening through the upper part of the plug. As a result of this construction, the beverage that is dispensed must pass through a slot between the rim and the product, thereby automatically dissolving some of the product. At the same time, however, the product projects beyond the rim so that it is exposed to the tongue of the user.

Thus, the present invention provides the only device in which the beverage is forced past the product to dissolve a portion of the product, at the same time that the tongue of the consumer can lick the product, thereby ingesting more of the product than would be provided by dissolution in the passing stream of beverage. At the same time, the consumer can refrain from sucking on the beverage and merely lick the product, thereby to enjoy a more concentrated flavor of the product than when sucking the beverage.

In greater detail:

The references CHAMBERS, HAMLIN, PAULIN and TARWINSKY are provided with a chamber in which a dissolvable food and/or the liquid bottle liquid are received so that no direct contact between the user's tongue and the dissolvable food is possible.

The references MAZER, LUZENBURG and NOHREN are provided with means for containing beneficial agents, a soluble dispensate, nutritional supplements or medicines to be added to a liquid. Also in this case a direct contact between the user's tongue and a dissolvable food is not allowed.

The candy mass 14 of GALLART is supported on the projection 28 projecting from a base component 16 and not from the cap 18. The interior compartment 22 is not provided for housing a beverage. The cover 18 itself has only an anti-dust function.

In COLEMAN a massive and closed top cap 24 of the reservoir 18 (and not a hollow and open cap) supports by means of a hollow stick 26 a candy 28. Only through said hollow stick 26 the beverage contained in the reservoir 18 may flow through throughgoing channels 30 into the candy 28 and outside thereof. In this manner the whole candy is outside the cap 24 and it may only be licked like a traditional lollipop. It is further to be considered that in order to make said channels 30 in the candy 28 the latter can only have a large size. A candy which wholly projects from the cap cannot further be lapped upwards from the beverage and cannot allow the positioning of the user's lips on

the cap in order to permit the new kind of sucking a beverage from a bottle or the like as suggested in the present application.

HARVEY shows a can 28 having a straw inserted therein and carrying at an end, which is accessible after having removed a cap 33, a mouthpiece having radial channels 7 and closed by a tip 3 having a coating 8 comprising a miraculine composition, wherein the latter is sealed by a cover 11 sealed around by means of a sealing ring 6.

On the one hand, the proposed combination of straw, mouthpiece tip, and sealing means is complicated, and requires a great number of components, and on the other hand it does not have a hollow and open plug directly carrying a massive product so that it does not allow the new kind of beverage sucking as disclosed in the present application.

BECK discloses a venting closure cap having an overcap 16 with aperture 64. On the contrary, our overcap D is only required for hygienic purposes and, therefore, it must not have any apertures 64 as shown in BECK.

CRISCI and ADAMS disclose push-pull closures that, like other push-pull closures, could be used in the plug in our application but are not considered in the latter as new or inventive.

HASEGAWA shows a beverage container 2 having an extended end sealed with a cap 4 or a snippable seal 5, wherein

said extended end is covered with an ice cream. Before removing the cap 4 or seal 5 it is necessary to eat part of the ice cream. The shown cap as well as the combination and disposition container-ice cream do not allow sucking the beverage.

FR 2 330 327 discloses a mixed confectionary product having an external container 1 which supports on the upper end of a ball ice cream 2 and, internally, a second container 3 containing a beverage. By means of a straw 5 inserted into said second container 3 it is possible both to lick the ice cream and to drink the beverage. The shown confectionary product does not have any plug and an upwards lapping of the ball ice cream with the beverage is not possible.

As the new claims clearly bring out the above distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in black ink, appearing to read 'Robert J. Patch', written over a horizontal line.

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